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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,925	08/10/2001	Koji Mizobuchi	01480/LH	6043

1933 7590 01/03/2007
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER

QUIETT, CARRAMAH J

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/927,925	MIZOBUCHI KOJI	
	Examiner	Art Unit	
	Carramah J. Quiett	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- Oct.*
- 1) ☒ Responsive to communication(s) filed on 16 Oct 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment(s), filed on 10/16/2006, have been entered and made of record. Claims 17, 18 and 19 are pending and claims 1-16 are canceled.

Response to Arguments

2. Applicant's arguments with respect to claims 17, 18 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 17-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitsugi et al. (U.S. Patent Application Pub. #2005/0185002) in view of Fukuta (U.S. Pat. #4,858,031).

For **claim 17**, Kitsugi discloses a data recording and reproducing apparatus (figs. 2-5) comprising:

audio data reproducing means (refs. 5, 38, 36) for reproducing audio data (page 6, paragraph 98);

display means (fig.9) for displaying at least image data associated with the audio data (page 6, paragraph 98); and

Art Unit: 2622

control means (ref. 36) for switching a display of the display means when the audio data is being reproduced by the audio data reproducing means (page 6, paragraph 98; page 7, paragraph 128)

such that the image data associated with the audio data is displayed for a predetermined time upon reproducing the audio data ;(page 7, paragraph 128), and

However, Kitsugi does not expressly disclose such that character data representing at least an elapsed reproduction time of the audio data being reproduced is displayed as information on a reproduction status of the audio data *for a remaining time that the audio data is reproduced*.

In a similar field of endeavor, Fukuta discloses a control means (fig. 1, ref. 20/23) for switching a display of the display means (figs. 1, 2, and 6, ref. 24) when the audio data is being reproduced by the audio data reproducing means such that character data representing at least an elapsed reproduction time of the audio data being reproduced is displayed as information on a reproduction status of the audio data for a remaining time that the audio data is reproduced (col. 9, lines 42-58). Also, please read col. 8, lines 28-61. In light of the teaching Fukuta, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kitsugi's apparatus such that character data representing at least an elapsed reproduction time of the audio data being reproduced is displayed as information on a reproduction status of the audio data for a remaining time that the audio data is reproduced. This modification would allow a user to know the available time for audio reproduction in a readily understandable manner (Fukuta, col. 1, line 67 – col. 2, line 7).

For **claim 18**, Kitsugi discloses a data recording and reproducing apparatus comprising:
a memory (fig. 6) for storing audio data and image data (page 3, paragraph 54);

audio data reproducing means (refs. 5, 38, 36) for reproducing audio data (page 6, paragraph 98);

display means (fig. 9) for, if image data is associated with the audio data being reproduced, displaying at least the image data associated with the audio data (page 6, paragraph 98);

determining means (fig. 3, ref. 7; fig. 5, ref. 6A, 34, 35, and 41) for determining whether there is image data associated with the audio data in the memory when the audio data is reproduced by the audio data reproducing means (page 2, paragraphs 35-38; fig. 9, paragraphs 93-98); and

control means (ref. 36) for:

(i) controlling the display means such that when the audio data is being reproduced by the audio data reproducing means and when it is determined by the determining means that there is no image data associated with the audio data in the memory, character data representing at least an elapsed reproduction time of the audio data being reproduced is displayed by the display means as information on a reproduction status of the audio data (page 2, paragraphs 35-38; fig. 9, paragraphs 93-98), and

(ii) switching a display by the display means such that when the audio data is being reproduced by the audio data reproducing means (page 6, paragraph 98; page 7, paragraph 128) and when it is determined that there is image data associated with the audio data in the memory, the image data associated with the audio data is displayed for a predetermined time upon reproducing the audio data (page 7, paragraph 128). And however, Kitsugi does not expressly teach the character data representing at least the elapsed reproduction time of the audio data

Art Unit: 2622

being reproduced is displayed as information on a reproduction status of the audio data *for a remaining time that the audio data is reproduced*.

In a similar field of endeavor, Fukuta discloses the character data representing at least the elapsed reproduction time of the audio data being reproduced is displayed as information on a reproduction status of the audio data for a remaining time that the audio data is reproduced (col. 9, lines 42-58). . In light of the teaching of Fukuta, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kitsugi's apparatus with the character data representing at least the elapsed reproduction time of the audio data being reproduced is displayed as information on a reproduction status of the audio data *for a remaining time that the audio data is reproduced*. This modification would allow a user to know the available time for audio reproduction in a readily understandable manner (Fukuta, col. 1, line 67 – col. 2, line 7).

For **claim 19**, Kitsugi discloses a data recording and reproducing apparatus (figs. 2-5) comprising:

a memory (fig. 6) which stores audio data and at least one piece of image data associated with the audio data (page 3, paragraph 54), each said piece of image data being associated with a specific elapsed recording time of the audio data (fig. 9; page 6, paragraph 98);

audio data reproducing means (refs. 5, 38, 36) for reproducing audio data (page 6, paragraph 98);

display means (fig.9) for displaying at least one said piece of image data associated with the audio data (page 6, paragraph 98);

Art Unit: 2622

counting means (ref. 36) for counting a time elapsed during reproduction of the audio data (page 7, paragraphs 122-126);

determining means (fig. 3, ref. 7; fig. 5, ref. 6A, 34, 35, and 41) for determining whether any said piece of image data associated with the audio data stored in the memory is associated the elapsed reproduction time of the audio data (page 2, paragraphs 35-38; fig. 9, paragraphs 93-98); and

control means (ref. 36) for switching the display of the display means page 6, paragraph 98; page 7, paragraph 128)

such that when it is determined that a piece of image data is associated with the elapsed reproduction time (page 6, paragraph 98; page 7, paragraph 128), the piece of image data associated with the elapsed reproduction time of the audio data is displayed for a predetermined time (page 7, paragraph 128), and

However, Kitsugi does not expressly teach such that character data representing at least the elapsed reproduction time of the audio data being reproduced is displayed as information on a reproduction status of the audio data while no piece of image data is displayed while the audio data is being reproduced.

In a similar field of endeavor, Fukuta discloses such that character data representing at least the elapsed reproduction time of the audio data being reproduced is displayed as information on a reproduction status of the audio data while no piece of image data is displayed while the audio data is being reproduced (col. 9, lines 42-58). Also, please read col. 8, lines 28-61. In light of the teaching of Fukuta, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kitsugi's apparatus with such that character

Art Unit: 2622

data representing at least the elapsed reproduction time of the audio data being reproduced is displayed as information on a reproduction status of the audio data while no piece of image data is displayed while the audio data is being reproduced. This modification would allow a user to know the available time for audio reproduction in a readily understandable manner (Fukuta, col. 1, line 67 – col. 2, line 7).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

Art Unit: 2622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CJQ
December 24, 2006



NGOC-YEN VU
SUPERVISORY PATENT EXAMINER